

**WIPO Assemblies**  
**62nd Series of Meetings, 4 October to 8 October 2021**

- General Statement of the German Delegation to be included in the Report -

Thank you Mr Chair,

1. On behalf of the German government, we would like to thank you for your leadership in this Assembly meeting. We are pleased to see that the agenda for this year's General Assembly is more comprehensive again, after we had to limit last year's agenda due to the pandemic. The fact that we have come to terms with the hybrid format and that we have remained on a constructive and forward-looking path despite setbacks in the pandemic, such as the cancellation of the extraordinary General Assembly planned for this spring, shows the adaptability of the organization even in difficult times.

2. At this stage, we would like to thank Mr. DG Daren Tang for his leadership reflected recently in the new Medium-Term Strategic Plan for 2022-2026. We fully agree with the underlying vision of a world in which innovation and creativity from anywhere is supported by IP for the good of everyone. We wish to assure Mr. DG Daren Tang again of our continued support in addressing WIPO's mission to develop a balanced and effective global IP ecosystem in order to promote innovation and creativity for a better and more sustainable future. We also thank the International Bureau as a whole for the professional preparation of this session.

3. A strong IP ecosystem is all the more important as the pandemic continues to have significant impact and serious consequences to global health and economy. Only if our IP system is constantly monitored and, where necessary, adapted to new challenges, IP can fulfil its function and act as a driver of innovation, competitiveness and economic development. In our statements of last year, we encouraged WIPO to look at how the organization can effectively contribute to overcome the pandemic and therefore invited WIPO to engage even closer with WHO and WTO in order to ensure that IP issues are appropriately and competently included in the discussions. Against this background we welcome the new Trilateral Cooperation on Public Health, IP and Trade between the three organisations and we consider the joint workshop on "Technology Transfer and Licencing" organized on September 27 as a good first step of a continued cooperation.

4. In this context we also welcome WIPO's package of Covid-19 related services and support measures to assist Member States in addressing the pandemic, as well as laying the foundations for post Covid economic recovery efforts. At the same time, we think WIPO could play a more active role in the development of IP-based solutions, such as patent pools, pledges, and licensing structures that aim at ensuring fair global access to vaccines and medicaments. In this regard WIPO could, for example, expand its current system of platforms for effective multistakeholder cooperation using its expertise, convening power and credibility as a neutral international organisation for meaningful partnerships that can address pressing international needs on the basis of the IP system. WIPO could provide its know-how and expertise to existing licensing platforms.

5. In the field of AI WIPO should continue playing a role both as an international observatory identifying and monitoring trends and developments, as well as a global forum for the exchange of ideas and the coordination of efforts. We fully agree with the International Bureau that AI is only one of the many new frontier technologies. Therefore, we welcome the extension of the WIPO Conversation on AI and IP beyond AI to include frontier technologies, such as big data, blockchain and genetic engineering in order to embrace the full economic potential of the advances of the Fourth Industrial Revolution. With great interest we engaged in the now renamed WIPO Conversation on IP and Frontier Technologies last month and are looking forward to participating actively in further Conversations on this important topic. We are interested in learning more about WIPO's plans as to how to take this discussion process further.

6. The German Government considers intellectual property rights to be an integral part of the legal, economic and cultural framework within which enterprises and society as a whole function. Intellectual property rights remain a complex, passionately and globally debated issue. WIPO as the central institution for developing the global IP policy and managing the worldwide IP infrastructure must demonstrate that intellectual property is an instrument for meeting the global challenges of our time, including global health, economic recovery, climate change, and sustainable development. We encourage WIPO to contribute actively, within its mandate, to the implementation of the Agenda 2030 for sustainable development, to identify areas for its own possible input in this process, and to do this in close cooperation with other Geneva-based institutions. In this context joining the United Nations Sustainable Development Group (UNSDG) as a member will in our view enable WIPO to improve multilateral cooperation with other entities and partners of the UN system and stimulate new thinking on how to better integrate IP in the implementation of the SDGs.

7. The German Government supports further international normative development aimed at simplifying and harmonizing the existing international IP framework for the benefit of Stakeholders, including IP offices. Unfortunately, we were not able to advance WIPO's normative agenda at last year's General Assembly under the given circumstances. At this year's General Assembly normative issues are again on the agenda and we are ready to engage constructively in the upcoming discussions. However, we would like to point out that the depth and scope of substantive discussions will depend on how they can be conducted appropriately in hybrid format.

8. As the deliberations within the Standing Committee on Copyright and Related Rights (SCCR) demonstrate, the international harmonization of legal concepts in this field is a complex task which requires time and dedication on all sides. In view of the sensitive nature of the discussions in the SCCR, which under some agenda items have in the past traditionally been held in informal settings, we look forward to resuming the substantial work in this Committee once that the framework for productive work has been created and the conditions allow for it. It is important in our view that the traditional consensus on the allocation of time between agenda items within this Committee continues to be respected. We strongly believe that if Member States work together in a spirit of consensus and with the firm aim of striking a fair balance between all interests involved, WIPO will continue to provide the framework within which we can achieve positive results.

9. Germany remains committed to improving the protection of broadcasting organizations by reaching a consensus on an international treaty. In order for the treaty to be sustainable and

successful in the long term, its scope of application should reflect the technical developments that have taken place in the meantime. We therefore welcome the discussion on further technologies, especially on the so called deferred transmissions online. Once the conditions allow for resuming work on this topic, Germany will continue to actively support the efforts of the SCCR in order to advance text-based work on an international treaty for the protection of broadcasting organizations.

10. Germany is interested in sharing national experiences regarding exceptions and limitations for certain organizations and purposes, as well as for people with disabilities other than print disabilities. Although Germany firmly believes that there is no need for a legally binding international instrument in this area, we would like to learn more about other Member States' legal concepts.

We are also interested in sharing views on further issues such as the resale right and challenges for copyright in the digital environment.

11. Ever since the beginning of international IP cooperation and the founding of WIPO as an international agency for IP, patent law has been of core importance. Users of the patent system around the world are calling for the further development, harmonization and improvement of the patent system – a call that must be heeded by WIPO and its responsible standing body, the Standing Committee on the Law of Patents (SCP). Germany recognizes the SCP's ongoing work on important issues in this area. We welcome the sharing sessions that were held during the thirty-second session, in particular the sharing session with respect to the patentability issues relating to artificial intelligence (AI). And we are looking forward to a further sharing session during the thirty-third session regarding the use of AI in the examination procedure. AI-Technology provides numerous opportunities and challenges to the administration of the patent system. We therefore believe that the sharing of experiences and information on these topics in the SCP is highly beneficial for all Member States. We are particularly eager to continue work on issues of patent quality, including opposition systems, and the confidentiality of communications between clients and their patent advisors. Further work in this area is beneficial to all countries, irrespective of their level of development, since it would enhance the credibility, reliability and stability of the international IP system.

The German delegation has also been closely involved in the area of patents and health, and will continue to engage with these issues moving forward. We take into account the efforts and activities undertaken in this context by other WIPO committees and international organizations. Since WIPO is the correct forum for addressing patent law questions, we are pleased that the area of patents and health is on the agenda of the SCP.

12. The latest figures on the development of application numbers under the Patent Cooperation Treaty (PCT) show the core importance of the PCT system for users worldwide. Germany is delighted to note that the number of PCT applications filed worldwide in 2020 increased by 4% to 275,882 applications despite the global impact of the pandemic. And if we take a look at the last decade the numbers are even more impressive. From 2010 until 2020 we witness a total increase of PCT applications by 67% compared to 2010. This is a great success. Based on these figures and the further developments of the PCT system, we believe that the last decade can be described as a "golden age" of the PCT system.

As a patent-intensive country, both at the national and international levels, Germany is pleased that the PCT system works so well. In 2020 the German Patent and Trade Mark Office processed 7,525 international applications in the national phase, out of which approximately 85% were filed by applicants from outside Germany.

We highly appreciate the numerous improvements in the PCT system achieved by changes to the technical and legal framework over the past years and we hope to see the constructive atmosphere that prevails in the PCT working group continued in the next sessions.

For these reasons, Germany, as always, stands committed to all necessary further developments in the PCT system to guide the system into another promising decade and encourages all WIPO Member States to take advantage of the PCT system.

13. The Design Law Formalities Treaty (DLT) remains a pending issue. In reference to the discussions of the General Assembly in 2019 we regret that the facilitator's proposal for solving the issue of disclosure requirement was rejected and Member States again were not able to agree upon convening a diplomatic conference. Nevertheless, Germany, like other EU member states, remains convinced that such requirement is not relevant to industrial designs and that its inclusion in the Treaty would contradict the aim of simplifying and harmonising design registration procedures. However, Germany is open to consider any reasonable and constructive proposals in this matter that may be raised during this General Assembly or in the future.

14. Turning to the Geneva Act of the Lisbon system, the European Union's accession in 2019 marked a milestone enabling its entry into force for all contracting parties as the European Union was the key fifth member of the international registration system. We were pleased to follow the implementation process of the European Union's accession this June when the European Commission transmitted the first package of 119 EU-geographic indications to WIPO. Again, we would like to point out that the protection of geographical indications provides an instrument to protect regional traditional knowledge for both agricultural and non-agricultural products.

15. Germany notes the broad consensus amongst Member States to continue work in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Germany recognises the importance of the work carried out by this Committee. No progress could be achieved during this biennium due to the COVID-19 situation. Therefore, it seems reasonable to transfer the 2019 mandate to the biennium 2022/2023. We support this plan. There is still a long way to go in order to achieve the aim of reaching consensus on a sui generis instrument that takes account of the interests of holders of traditional knowledge, genetic resources and folklore and, at the same time, does not harm the functioning of the international IP system. We are willing to continue our constructive participation in this process.

16. Germany remains fully committed to further progress in the field of development, particularly in light of the United Nations 2030 Agenda for Sustainable Development. We support the continued implementation of the 45 recommendations of the Development Agenda in a balanced and consensus-driven manner. It was encouraging that the Committee on Development and Intellectual Property (CDIP) was able to resume its work already last year, albeit with a truncated agenda. One of the committee's successes is that, despite the

crisis, significant progress has been made in the last sessions (CDIP 25 and 26) on the core issues such as technical assistance and the development of Development Agenda projects. We are certain that the spirit and readiness to engage in constructive and forward-looking efforts shown at the last sessions will continue in order to rise to the challenges we face together in this important committee. Germany looks forward to participating in the upcoming discussions in November at the 27<sup>th</sup> session of the committee.

17. The German Patent and Trade Mark Office (DPMA) has continued its successful cooperation with WIPO, other IP-related organisations and national IP offices. In February 2021, the DPMA and WIPO continued the successful roving seminars. The seminar aimed to inform the public about WIPO's services, with a focus on the PCT procedure. For the first time, the DPMA/WIPO seminar was also supported by colleagues from the Austrian and Swiss offices. For the end of the year 2021, it is planned that the DPMA will assist WIPO in a training of examiners of the Albanian Office."

18. Distinguished Chair! Germany is looking forward to contributing to a constructive and fruitful dialogue. We fully support the statements made by Group B and the European Union. You can count on our active support.